



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,720	02/08/1999	BUNICHI SHOJI	1892/47565.	5294

7590 09/25/2002

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

NGUYỄN, CHI Q

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

51

# Office Action Summary

Application No.

09/245,720

Applicant(s)

SHOJI, BUNICHI

Examiner

Chi Q Nguyen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 5/17/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

### **DETAILED ACTION**

Upon further consideration, the allowable subject matters as indicated from previous Office Action are withdrawn and new rejection is presented as follow.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 4, the phrase "assuming" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

3. Regarding claim 4, the phrase "i.e." renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "i.e."), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

4. Regarding claim 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hathorn (US 1,908,757) in view of Hattum (US 1,828,235) and Richardson (US 5,927,138).

Hathorn discloses an aeronautical truss comprising an upper chord member 11, a lower chord member 12, diagonal chord members 17-22, chord members 11, 12 17-22 having tubular part and flat part are considered as connection part, and formed from tubular pipe and connected together by rivets 33 through an opening. (See figs. 1-2, 4).

Hathorn does not disclose expressly the chord pipe member having a same diameter by a constrained pattern shaping or flat press, connected to parent plate, a flat section is tapered, a distance between two connection centers of respective flat sections is "1", and that a diameter of a bolt provided on the flat sections between "1" and "d".

Richardson teaches method of forming a structural member from tubular material comprising a strut structure 10 having a tubular portion 12, two plates 20 integrally and continuously forming to tubular portion 12 and flat portion having tapered edge and forming by compressed against opposite faces of the platen 30 of a die 34, bolt opening 50. (See figs. 1-6, abstract, col. 3, lines 36-40), and Hattum further teaches a joint system for tubular frame work having tubular members 5, 6 are connected together at a plate 1 known as a parent plate. (See figs. 1-2).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify and combine Hathorn's disclosure with Richardson's for the compressed process of forming flat portion, and with Hattum's for a parent plate. The

Art Unit: 3637

motivation for doing so would have been to provide tighter engagement and more securement for the truss members.


With regards to claim 4, Hathorn, Richardson and Hattum disclose the structural elements for the truss members as stated. Hathorn, Richardson and Hattum do not explicitly teach a distance between two connection centers of respective flat sections is "1" and hold a relationship between "1" and "d", examiner considers this would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the desirable distant fit into particular application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Troutner (US 3,496,693), Martens (US 5,802,798), Cook (US 774,159), Buecker (US 6,131,362).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Lanna Mai can be reached at (703) 308-2486. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
CQN  
9/17/02

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

